

Union Calendar No. 372

107TH CONGRESS
2^D SESSION**H. R. 4883****[Report No. 107-621]**

To reauthorize the Hydrographic Services Improvement Act of 1998, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 6, 2002

Mr. YOUNG of Alaska (for himself, Mr. HANSEN, Mr. GILCHREST, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Resources

JULY 26, 2002

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italie*]

[For text of introduced bill, see copy of bill as introduced on June 6, 2002]

A BILL

To reauthorize the Hydrographic Services Improvement Act
of 1998, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*

2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. TABLE OF CONTENTS.**

4 *The table of contents for this Act is as follows:*

Sec. 1. Table of contents.

TITLE I—NOAA HYDROGRAPHIC SERVICES IMPROVEMENT

- Sec. 101. Short title; references.*
- Sec. 102. Definitions.*
- Sec. 103. Functions of Administrator.*
- Sec. 104. Quality assurance program.*
- Sec. 105. Hydrographic Services Review Panel.*
- Sec. 106. Plan regarding photogrammetry and remote sensing.*
- Sec. 107. Authorization of appropriations.*

*TITLE II—NATIONAL OCEANIC AND ATMOSPHERIC
ADMINISTRATION COMMISSIONED OFFICER CORPS*

Sec. 201. Short title.

SUBTITLE A—GENERAL PROVISIONS

- Sec. 211. Commissioned officer corps.*
- Sec. 212. Definitions.*
- Sec. 213. Authorized number on the active list.*
- Sec. 214. Strength and distribution in grade.*
- Sec. 215. Authorized number for fiscal years 2003 through 2008.*

SUBTITLE B—APPOINTMENT AND PROMOTION OF OFFICERS

- Sec. 221. Original appointments.*
- Sec. 222. Personnel boards.*
- Sec. 223. Promotion of ensigns to grade of lieutenant (junior grade).*
- Sec. 224. Promotion by selection to permanent grades above lieutenant (junior grade).*
- Sec. 225. Length of service for promotion purposes.*
- Sec. 226. Appointments and promotions to permanent grades.*
- Sec. 227. General qualification of officers for promotion to higher permanent grade.*
- Sec. 228. Positions of importance and responsibility.*
- Sec. 229. Temporary appointments and promotions generally.*
- Sec. 230. Temporary appointment or advancement of commissioned officers in time of war or national emergency.*
- Sec. 231. Pay and allowances; date of acceptance of promotion.*
- Sec. 232. Service credit as deck officer or junior engineer for promotion purposes.*
- Sec. 233. Suspension during war or emergency.*

SUBTITLE C—SEPARATION AND RETIREMENT OF OFFICERS

- Sec. 241. Involuntary retirement or separation.*
- Sec. 242. Separation pay.*
- Sec. 243. Mandatory retirement for age.*
- Sec. 244. Retirement for length of service.*
- Sec. 245. Computation of retired pay.*
- Sec. 246. Retired grade and retired pay.*
- Sec. 247. Retired rank and pay held pursuant to other laws unaffected.*
- Sec. 248. Continuation on active duty; deferral of retirement.*
- Sec. 249. Recall to active duty.*

SUBTITLE D—SERVICE OF OFFICERS WITH THE MILITARY DEPARTMENTS

Sec. 251. Cooperation with and transfer to military departments.

Sec. 252. Relative rank of officers when serving with Army, Navy, or Air Force.

Sec. 253. Rules and regulations when cooperating with military departments.

SUBTITLE E—RIGHTS AND BENEFITS

Sec. 261. Applicability of certain provisions of title 10, United States Code.

Sec. 262. Eligibility for veterans benefits and other rights, privileges, immunities, and benefits under certain provisions of law.

Sec. 263. Medical and dental care.

Sec. 264. Commissary privileges.

Sec. 265. Authority to use appropriated funds for transportation and reimbursement of certain items.

Sec. 266. Presentation of United States flag upon retirement.

SUBTITLE F—REPEALS AND CONFORMING AMENDMENTS

Sec. 271. Repeals.

Sec. 272. Conforming amendments.

TITLE I—NOAA HYDROGRAPHIC SERVICES IMPROVEMENT

SEC. 101. SHORT TITLE; REFERENCES.

(a) *SHORT TITLE.*—This title may be cited as the “Hydrographic Services Improvement Act Amendments of 2002”.

(b) *REFERENCES.*—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892 *et seq.*).

SEC. 102. DEFINITIONS.

Section 302 (33 U.S.C. 892) is amended—

(1) in paragraph (3) by inserting “, geospatial, or geomagnetic” after “geodetic”; and

1 (2) in paragraph (4) by inserting “geospatial,
2 geomagnetic,” after “geodetic,”.

3 **SEC. 103. FUNCTIONS OF ADMINISTRATOR.**

4 (a) *HYDROGRAPHIC MONITORING SYSTEMS.*—Section
5 303(b)(4) (33 U.S.C. 892a(b)(4)) is amended to read as fol-
6 lows:

7 “(4) shall, subject to the availability of appro-
8 priations, design, install, maintain, and operate real-
9 time hydrographic monitoring systems to enhance
10 navigation safety and efficiency.”.

11 (b) *CONSERVATION AND MANAGEMENT OF COASTAL*
12 *AND OCEAN RESOURCES.*—Section 303 (33 U.S.C. 892a)
13 is further amended by adding at the end the following:

14 “(c) *CONSERVATION AND MANAGEMENT OF COASTAL*
15 *AND OCEAN RESOURCES.*—Where appropriate and to the
16 extent that it does not detract from the promotion of safe
17 and efficient navigation, the Secretary may use hydro-
18 graphic data and services to support the conservation and
19 management of coastal and ocean resources.”.

20 **SEC. 104. QUALITY ASSURANCE PROGRAM.**

21 (a) *IN GENERAL.*—Section 304(b)(1) (33 U.S.C.
22 892b(b)(1)) is amended to read as follows:

23 “(1) *IN GENERAL.*—The Administrator—

24 “(A) by not later than 2 years after the date
25 of enactment of the Hydrographic Services Im-

1 *provement Act Amendments of 2002, shall, sub-*
2 *ject to the availability of appropriations, develop*
3 *and implement a quality assurance program*
4 *that is equally available to all applicants, under*
5 *which the Administrator may certify hydro-*
6 *graphic products that satisfy the standards pro-*
7 *mulgated by the Administrator under section*
8 *303(a)(3) of this Act;*

9 *“(B) may authorize the use of the emblem*
10 *or any trademark of the Administration on a*
11 *hydrographic product certified under subpara-*
12 *graph (A); and*

13 *“(C) may charge a fee for such certification*
14 *and use.”.*

15 *(b) ACCEPTANCE AND RECOGNITION OF CERTIFI-*
16 *CATIONS.—Section 304(b) (33 U.S.C. 892b(b)) is amended*
17 *by adding at the end the following:*

18 *“(3) ACCEPTANCE AND RECOGNITION OF CER-*
19 *TIFICATIONS.—The Administrator shall, to the max-*
20 *imum extent practicable, assure that any inter-*
21 *national organizations and agreements to which the*
22 *United States is a party which affect hydrographic*
23 *products and nautical charts accept or recognize, re-*
24 *spectively, hydrographic products certified by the Ad-*
25 *ministrator under this subsection.”.*

1 (c) *IMPLEMENTATION OF EXECUTIVE ORDER AND*
 2 *OMB CIRCULAR.*—Section 304 (33 U.S.C. 892b) is amend-
 3 ed by adding at the end the following:

4 “(f) *ANNUAL STUDY AND REPORT REGARDING IMPE-*
 5 *MENTATION OF EXECUTIVE ORDER AND OMB CIRCULAR.*—

6 “(1) *IN GENERAL.*—The Administrator shall an-
 7 nually conduct a study of, and report to the panel es-
 8 tablished under section 305 regarding, steps taken to
 9 comply with section 3(d) of Executive Order 12906
 10 and Office of Management and Budget Circular A-16
 11 with respect to the collection and production of new
 12 hydrographic data and products by the Administra-
 13 tion.

14 “(2) *CONSULTATION.*—In carrying out the study
 15 and report, the Administrator shall consult with the
 16 Federal Geographic Data Committee.”.

17 **SEC. 105. HYDROGRAPHIC SERVICES REVIEW PANEL.**

18 Section 305 (33 U.S.C. 892c) is amended to read as
 19 follows:

20 **“SEC. 305. HYDROGRAPHIC SERVICES REVIEW PANEL.**

21 “(a) *ESTABLISHMENT.*—No later than 1 year after the
 22 date of enactment of the Hydrographic Services Improve-
 23 ment Act Amendments of 2002, the Secretary shall establish
 24 the Hydrographic Services Review Panel.

25 “(b) *DUTIES.*—

1 “(1) *IN GENERAL.*—*The panel shall advise the*
2 *Administrator on matters related to the responsibil-*
3 *ities and authorities set forth in section 303 of this*
4 *Act and such other appropriate matters as the Ad-*
5 *ministrator refers to the panel for review and advice.*

6 “(2) *ADMINISTRATIVE RESOURCES.*—*The Admin-*
7 *istrator shall make available to the panel such infor-*
8 *mation, personnel, and administrative services and*
9 *assistance as it may reasonably require to carry out*
10 *its duties.*

11 “(c) *MEMBERSHIP.*—

12 “(1) *IN GENERAL.*—

13 “(A) *The panel shall consist of 15 voting*
14 *members who shall be appointed by the Adminis-*
15 *trator. The Director of the Joint Hydrographic*
16 *Institute and no more than 2 employees of the*
17 *National Oceanic and Atmospheric Administra-*
18 *tion appointed by the Administrator shall serve*
19 *as nonvoting members of the panel. The voting*
20 *members of the panel shall be individuals who,*
21 *by reason of knowledge, experience, or training,*
22 *are especially qualified in one or more of the dis-*
23 *ciplines and fields relating to hydrographic sur-*
24 *veying, tide, current geodetic and geospatial*
25 *measurement, marine transportation, port ad-*

1 *ministration, vessel pilotage, and coastal and*
2 *fishery management.*

3 *“(B) An individual may not be appointed*
4 *as a voting member of the panel if the individual*
5 *is a full-time officer or employee of the United*
6 *States.*

7 *“(C) Any voting member of the panel who*
8 *is an applicant for, or beneficiary (as deter-*
9 *mined by the Secretary) of, any assistance under*
10 *this Act shall disclose to the panel that relation-*
11 *ship, and may not vote on any matter per-*
12 *taining to that assistance.*

13 *“(2) TERMS.—*

14 *“(A) The term of office of a voting member*
15 *of the panel shall be 4 years, except that of the*
16 *original appointees, five shall be appointed for a*
17 *term of 2 years, five shall be appointed for a*
18 *term of 3 years, and five shall be appointed for*
19 *a term of 4 years, as specified by the Adminis-*
20 *trator at the time of appointment.*

21 *“(B) Any individual appointed to a partial*
22 *or full term may be reappointed for one addi-*
23 *tional full term. A voting member may serve*
24 *after the date of the expiration of the term of of-*

1 *fice for which appointed until his or her suc-*
 2 *cessor has taken office.*

3 “(3) *NOMINATIONS.*—*At least once each year, the*
 4 *Secretary shall publish a notice in the Federal Reg-*
 5 *ister soliciting nominations for membership on the*
 6 *panel.*

7 “(4) *CHAIRMAN AND VICE CHAIRMAN.*—

8 “(A) *The panel shall select one voting mem-*
 9 *ber to serve as the Chairman and another voting*
 10 *member to serve as the Vice Chairman.*

11 “(B) *The Vice Chairman shall act as Chair-*
 12 *man in the absence or incapacity of the Chair-*
 13 *man.*

14 “(d) *COMPENSATION.*—*Voting members of the panel*
 15 *shall—*

16 “(1) *receive compensation at a rate established*
 17 *by the Secretary, not to exceed the maximum daily*
 18 *rate payable under section 5376 of title 5, United*
 19 *States Code, when actually engaged in the perform-*
 20 *ance of duties for such panel; and*

21 “(2) *be reimbursed for actual and reasonable ex-*
 22 *penses incurred in the performance of such duties.*

23 “(e) *MEETINGS.*—*The panel shall meet on a biannual*
 24 *basis and, at any other time, at the call of the Chairman*

1 *or upon the request of a majority of the voting members*
 2 *or of the Secretary.*

3 “(f) *POWERS.*—*The panel may exercise such powers as*
 4 *are reasonably necessary in order to carry out its duties*
 5 *under subsection (b).”.*

6 **SEC. 106. PLAN REGARDING PHOTOGRAMMETRY AND RE-**
 7 **MOTE SENSING.**

8 (a) *IN GENERAL.*—*Not later than 6 months after the*
 9 *date of enactment of this Act, the Administrator of the Na-*
 10 *tional Oceanic and Atmospheric Administration shall sub-*
 11 *mit to the Congress a plan for increasing, consistent with*
 12 *this title, contracting with the private sector for photo-*
 13 *grammetric, remote sensing, and other geospatial reference*
 14 *services related to hydrographic data acquisition or hydro-*
 15 *graphic services activities performed by the National Ocean*
 16 *Service. In preparing the plan, the Administrator shall con-*
 17 *sult with private sector entities knowledgeable in photo-*
 18 *grammetry and remote sensing.*

19 (b) *CONTENTS.*—*The plan shall include the following:*

20 (1) *An assessment of which of the photo-*
 21 *grammetric, remote sensing, and other geospatial ref-*
 22 *erence services related to hydrographic data acquisi-*
 23 *tion or hydrographic services activities performed by*
 24 *the National Ocean Service can be performed ade-*
 25 *quately by private-sector entities.*

1 (2) *An evaluation of the relative cost-effectiveness*
2 *of the Federal Government and private-sector entities*
3 *in performing those activities.*

4 (3) *A strategy for enhancing and improving the*
5 *acquisition and contract management capabilities of*
6 *the National Oceanic and Atmospheric Administra-*
7 *tion to assist in the utilization of private sector enti-*
8 *ties for photogrammetric, remote sensing and other*
9 *geospatial reference services related to hydrographic*
10 *data acquisition or hydrographic services activities*
11 *performed by the National Ocean Service,*
12 *including—*

13 (A) *the transfer and retraining of personnel*
14 *to become contracting officer technical represent-*
15 *atives;*

16 (B) *education in the use of contracting pro-*
17 *cedures in accordance with section 303(b)(3) of*
18 *the Hydrographic Services Improvement Act of*
19 *1998, as amended by this Act; and*

20 (C) *the utilization of training, education,*
21 *and acquisition and contract management capa-*
22 *bilities of other Federal agencies that are expert*
23 *and experienced in contracting for such services.*

1 **SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 306 (33 U.S.C. 892d) is amended to read as
3 follows:

4 **“SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

5 *“There are authorized to be appropriated to the Ad-*
6 *ministrator the following:*

7 *“(1) To carry out nautical mapping and chart-*
8 *ing functions under sections 303 and 304 of this Act,*
9 *except for conducting hydrographic surveys—*

10 *“(A) \$50,000,000 for fiscal year 2003;*

11 *“(B) \$55,000,000 for fiscal year 2004;*

12 *“(C) \$60,000,000 for fiscal year 2005;*

13 *“(D) \$65,000,000 for fiscal year 2006; and*

14 *“(E) \$70,000,000 for fiscal year 2007.*

15 *“(2) To contract for hydrographic surveys under*
16 *section 303(b)(1), including the leasing or time char-*
17 *tering of vessels—*

18 *“(A) \$40,000,000 for fiscal year 2003;*

19 *“(B) \$42,500,000 for fiscal year 2004;*

20 *“(C) \$45,000,000 for fiscal year 2005;*

21 *“(D) \$47,500,000 for fiscal year 2006; and*

22 *“(E) \$50,000,000 for fiscal year 2007.*

23 *“(3) To carry out geodetic functions under this*
24 *title—*

25 *“(A) \$27,500,000 for fiscal year 2003;*

26 *“(B) \$30,000,000 for fiscal year 2004;*

1 “(C) \$32,500,000 for fiscal year 2005;

2 “(D) \$35,000,000 for fiscal year 2006; and

3 “(E) \$35,500,000 for fiscal year 2007.

4 “(4) To carry out tide and current measurement
5 functions under this title—

6 “(A) \$25,000,000 for fiscal year 2003;

7 “(B) \$27,500,000 for fiscal year 2004;

8 “(C) \$30,000,000 for fiscal year 2005;

9 “(D) \$32,500,000 for fiscal year 2006; and

10 “(E) \$35,000,000 for fiscal year 2007.

11 “(5) To carry out activities authorized under
12 this title that enhance homeland security, including
13 electronic navigation charts, hydrographic surveys,
14 real time tide and current measurements, and geo-
15 detic functions, in addition to other amounts author-
16 ized by this section, \$50,000,000.”.

17 **TITLE II—NATIONAL OCEANIC**
18 **AND ATMOSPHERIC ADMINIS-**
19 **TRATION COMMISSIONED OF-**
20 **FICER CORPS**

21 **SEC. 201. SHORT TITLE.**

22 This title may be cited as the “National Oceanic and
23 Atmospheric Administration Commissioned Officer Corps
24 Act of 2002”.

1 ***Subtitle A—General Provisions***

2 ***SEC. 211. COMMISSIONED OFFICER CORPS.***

3 *There shall be in the National Oceanic and Atmos-*
 4 *pheric Administration a commissioned officer corps.*

5 ***SEC. 212. DEFINITIONS.***

6 *(a) APPLICABILITY OF DEFINITIONS IN TITLE 10,*
 7 *UNITED STATES CODE.—Except as provided in subsection*
 8 *(b), the definitions provided in section 101 of title 10,*
 9 *United States Code, apply to the provisions of this title.*

10 *(b) ADDITIONAL DEFINITIONS.—In this title:*

11 *(1) ACTIVE DUTY.—The term “active duty”*
 12 *means full-time duty in the active service of a uni-*
 13 *formed service.*

14 *(2) GRADE.—The term “grade” means a step or*
 15 *degree, in a graduated scale of office or rank, that is*
 16 *established and designated as a grade by law or regu-*
 17 *lation.*

18 *(3) OFFICER.—The term “officer” means an offi-*
 19 *cer of the commissioned corps.*

20 *(4) FLAG OFFICER.—The term “flag officer”*
 21 *means an officer serving in, or having the grade of,*
 22 *vice admiral, rear admiral, or rear admiral (lower*
 23 *half).*

24 *(5) SECRETARY.—The term “Secretary” means*
 25 *the Secretary of Commerce.*

1 (6) *ADMINISTRATION.*—*The term “Administra-*
 2 *tion” means the National Oceanic and Atmospheric*
 3 *Administration.*

4 **SEC. 213. AUTHORIZED NUMBER ON THE ACTIVE LIST.**

5 (a) *ANNUAL STRENGTH ON ACTIVE LIST.*—*The annual*
 6 *strength of the commissioned corps in officers on the lineal*
 7 *list of active duty officers of the corps shall be prescribed*
 8 *by law.*

9 (b) *LINEAL LIST.*—*The Secretary shall maintain a*
 10 *list, known as the “lineal list”, of officers on active duty.*
 11 *Officers shall be carried on the lineal list by grade and,*
 12 *within grade, by seniority in grade.*

13 **SEC. 214. STRENGTH AND DISTRIBUTION IN GRADE.**

14 (a) *RELATIVE RANK; PROPORTION.*—*Of the total au-*
 15 *thorized number of officers on the lineal list of the commis-*
 16 *sioned corps, there are authorized numbers in permanent*
 17 *grade, in relative rank with officers of the Navy, in propor-*
 18 *tions as follows:*

- 19 (1) *8 in the grade of captain.*
- 20 (2) *14 in the grade of commander.*
- 21 (3) *19 in the grade of lieutenant commander.*
- 22 (4) *23 in the grade of lieutenant.*
- 23 (5) *18 in the grade of lieutenant (junior grade).*
- 24 (6) *18 in the grade of ensign.*

25 (b) *COMPUTATION OF NUMBER IN GRADE.*—

1 (1) *IN GENERAL.*—Subject to paragraph (2),
 2 *whenever a final fraction occurs in computing the au-*
 3 *thorized number of officers in a grade, the nearest*
 4 *whole number shall be taken, and if the fraction is*
 5 *one-half the next higher whole number shall be taken.*

6 (2) *LIMITATION ON INCREASE IN TOTAL NUM-*
 7 *BER.*—The total number of officers on the lineal list
 8 *authorized by law may not be increased as the result*
 9 *of the computations prescribed in this section, and if*
 10 *necessary the number of officers in the lowest grade*
 11 *shall be reduced accordingly.*

12 (c) *PRESERVATION OF GRADE AND PAY, ETC.*—No offi-
 13 *cer may be reduced in grade or pay or separated from the*
 14 *commissioned corps as the result of a computation made*
 15 *to determine the authorized number of officers in the var-*
 16 *ious grades.*

17 (d) *FILLING OF VACANCIES; ADDITIONAL NUMBERS.*—
 18 *Nothing in this section may be construed as requiring the*
 19 *filling of any vacancy or as prohibiting additional numbers*
 20 *in any grade to compensate for vacancies existing in higher*
 21 *grades.*

22 (e) *TEMPORARY INCREASE IN NUMBERS.*—The total
 23 *number of officers authorized by law to be on the lineal list*
 24 *during a fiscal year may be temporarily exceeded so long*

1 *as the average number on that list during that fiscal year*
 2 *does not exceed the authorized number.*

3 **SEC. 215. AUTHORIZED NUMBER FOR FISCAL YEARS 2003**
 4 **THROUGH 2008.**

5 *There are authorized to be not less than 264 and not*
 6 *more than 299 officers on the lineal list of the commissioned*
 7 *corps of the National Oceanic and Atmospheric Administra-*
 8 *tion for each of fiscal years 2003 through 2008.*

9 **Subtitle B—Appointment and**
 10 **Promotion of Officers**

11 **SEC. 221. ORIGINAL APPOINTMENTS.**

12 *(a) IN GENERAL.—*

13 *(1) GRADES.—Original appointments may be*
 14 *made in the grades of ensign, lieutenant (junior*
 15 *grade), and lieutenant.*

16 *(2) QUALIFICATIONS.—Under regulations pre-*
 17 *scribed by the Secretary, such an appointment may*
 18 *be given only to a person who—*

19 *(A) meets the qualification requirements*
 20 *specified in paragraphs (1) through (4) of section*
 21 *532(a) of title 10, United States Code; and*

22 *(B) has such other special qualifications as*
 23 *the Secretary may prescribe by regulation.*

24 *(3) EXAMINATION.—A person may be given such*
 25 *an appointment only after passage of a mental and*

1 *physical examination given in accordance with regu-*
2 *lations prescribed by the Secretary.*

3 (4) *REVOCATION OF COMMISSION OF OFFICERS*
4 *FOUND NOT QUALIFIED.—The President may revoke*
5 *the commission of any officer appointed under this*
6 *section during the officer's first three years of service*
7 *if the officer is found not qualified for the service.*
8 *Any such revocation shall be made under regulations*
9 *prescribed by the President.*

10 (b) *LINEAL LIST.—Each person appointed under this*
11 *section shall be placed on the lineal list in a position com-*
12 *mensurate with that person's age, education, and experi-*
13 *ence, in accordance with regulations prescribed by the Sec-*
14 *retary.*

15 (c) *SERVICE CREDIT UPON ORIGINAL APPOINTMENT*
16 *IN GRADE ABOVE ENSIGN.—*

17 (1) *IN GENERAL.—For the purposes of basic pay,*
18 *a person appointed under this section in the grade of*
19 *lieutenant shall be credited as having, on the date of*
20 *that appointment, three years of service, and a person*
21 *appointed under this section in the grade of lieuten-*
22 *ant (junior grade) shall be credited as having, as of*
23 *the date of that appointment, 1½ years of service.*

24 (2) *HIGHER CREDIT UNDER OTHER LAW.—If a*
25 *person appointed under this section is entitled to*

1 *credit for the purpose of basic pay under any other*
 2 *provision of law that would exceed the amount of*
 3 *credit authorized by paragraph (1), that person shall*
 4 *be credited with that amount of service in lieu of the*
 5 *credit authorized by paragraph (1).*

6 **SEC. 222. PERSONNEL BOARDS.**

7 (a) *CONVENING.*—*At least once a year and at such*
 8 *other times as the Secretary determines necessary, the Sec-*
 9 *retary shall convene a personnel board. A personnel board*
 10 *shall consist of not less than five officers on the lineal list*
 11 *in the permanent grade of commander or above.*

12 (b) *DUTIES.*—*Each personnel board shall—*

13 (1) *recommend to the Secretary such changes in*
 14 *the lineal list as the board may determine; and*

15 (2) *make selections and recommendations to the*
 16 *Secretary and President for the appointment, pro-*
 17 *motion, separation, continuation, and retirement of*
 18 *officers as prescribed in this subtitle and subtitle C.*

19 (c) *ACTION ON RECOMMENDATIONS NOT ACCEPT-*
 20 *ABLE.*—*In a case in which any recommendation by a board*
 21 *convened under subsection (a) is not accepted by the Sec-*
 22 *retary or the President, the board shall make such further*
 23 *recommendations as are acceptable.*

1 **SEC. 223. PROMOTION OF ENSIGNS TO GRADE OF LIEUTEN-**
 2 **ANT (JUNIOR GRADE).**

3 (a) *IN GENERAL.*—An officer in the permanent grade
 4 of ensign shall be promoted to and appointed in the grade
 5 of lieutenant (junior grade) upon completion of three years
 6 of service. The authorized number of officers in the grade
 7 of lieutenant (junior grade) shall be temporarily increased
 8 as necessary to authorize such appointment.

9 (b) *SEPARATION OF ENSIGNS FOUND NOT FULLY*
 10 *QUALIFIED.*—If an officer in the permanent grade of ensign
 11 is at any time found not fully qualified, the officer's com-
 12 mission shall be revoked and the officer shall be separated
 13 from the commissioned service.

14 **SEC. 224. PROMOTION BY SELECTION TO PERMANENT**
 15 **GRADES ABOVE LIEUTENANT (JUNIOR**
 16 **GRADE).**

17 *Promotion to fill vacancies in each permanent grade*
 18 *above the grade of lieutenant (junior grade) shall be made*
 19 *by selection from the next lower grade upon recommenda-*
 20 *tion of the personnel board.*

21 **SEC. 225. LENGTH OF SERVICE FOR PROMOTION PUR-**
 22 **POSES.**

23 (a) *GENERAL RULE.*—Each officer shall be assumed
 24 to have, for promotion purposes, at least the same length
 25 of service as any other officer below that officer on the lineal
 26 list.

1 (b) *EXCEPTION.*—Notwithstanding subsection (a), an
 2 officer who has lost numbers shall be assumed to have, for
 3 promotion purposes, no greater service than the officer next
 4 above such officer in such officer’s new position on the lineal
 5 list.

6 **SEC. 226. APPOINTMENTS AND PROMOTIONS TO PERMA-**
 7 **NENT GRADES.**

8 *Appointments in and promotions to all permanent*
 9 *grades shall be made by the President, by and with the ad-*
 10 *vice and consent of the Senate.*

11 **SEC. 227. GENERAL QUALIFICATION OF OFFICERS FOR PRO-**
 12 **MOTION TO HIGHER PERMANENT GRADE.**

13 *No officer may be promoted to a higher permanent*
 14 *grade on the active list until the officer has passed a satis-*
 15 *factory mental and physical examination in accordance*
 16 *with regulations prescribed by the Secretary.*

17 **SEC. 228. POSITIONS OF IMPORTANCE AND RESPONSI-**
 18 **BILITY.**

19 (a) *DESIGNATION OF POSITIONS.*—The Secretary may
 20 designate positions in the Administration as being positions
 21 of importance and responsibility for which it is appropriate
 22 that officers of the Administration, if serving in those posi-
 23 tions, serve in the grade of vice admiral, rear admiral, or
 24 rear admiral (lower half), as designated by the Secretary
 25 for each position.

1 (b) *ASSIGNMENT OF OFFICERS TO DESIGNATED POSI-*
 2 *TIONS.—The Secretary may assign officers to positions des-*
 3 *ignated under subsection (a).*

4 (c) *FLEET OVERSIGHT AND ADMINISTRATION OF OFFI-*
 5 *CER CORPS.—The Secretary shall designate one position*
 6 *under this section which shall be responsible for oversight*
 7 *of the operation of the vessel fleet and for the administration*
 8 *of the commissioned officer corps. That position shall be*
 9 *filled by an officer on the lineal list serving in or above*
 10 *the grade of rear admiral (lower half). For the specific pur-*
 11 *pose of administering the commissioned officer corps, that*
 12 *position shall carry the title of Director of the National Oce-*
 13 *anic and Atmospheric Administration Commissioned Offi-*
 14 *cer Corps.*

15 (d) *GRADE.—*

16 (1) *TEMPORARY APPOINTMENT TO GRADE DES-*
 17 *IGNATED FOR POSITION.—An officer assigned to a po-*
 18 *sition under this section while so serving has the*
 19 *grade designated for that position, if appointed to*
 20 *that grade by the President, by and with the advice*
 21 *and consent of the Senate.*

22 (2) *REVERSION TO PERMANENT GRADE.—An of-*
 23 *ficer who has served in a grade above captain, upon*
 24 *termination of the officer's assignment to the position*
 25 *for which that appointment was made, shall, unless*

1 *appointed or assigned to another position for which*
 2 *a higher grade is designated, revert to the grade and*
 3 *number the officer would have occupied but for serv-*
 4 *ing in a grade above that of captain. In such a case,*
 5 *the officer shall be an extra number in that grade.*

6 *(e) NUMBER OF OFFICERS APPOINTED.—*

7 *(1) OVERALL LIMIT.—The total number of offi-*
 8 *cers serving on active duty at any one time in the*
 9 *grade of rear admiral (lower half) or above may not*
 10 *exceed four.*

11 *(2) LIMIT BY GRADE.—The number of officers*
 12 *serving on active duty under appointments under this*
 13 *section may not exceed—*

14 *(A) one in the grade of vice admiral;*

15 *(B) two in the grade of rear admiral; and*

16 *(C) two in the grade of rear admiral (lower*
 17 *half).*

18 *(f) PAY AND ALLOWANCES.—An officer appointed to*
 19 *a grade under this section, while serving in that grade, shall*
 20 *have the pay and allowances of the grade to which ap-*
 21 *pointed.*

22 *(g) EFFECT OF APPOINTMENT.—An appointment of an*
 23 *officer under this section—*

24 *(1) does not vacate the permanent grade held by*
 25 *the officer; and*

1 (2) *creates a vacancy on the active list.*

2 **SEC. 229. TEMPORARY APPOINTMENTS AND PROMOTIONS**

3 **GENERALLY.**

4 (a) *ENSIGN*.—*Temporary appointments in the grade*
 5 *of ensign may be made by the President alone. Each such*
 6 *temporary appointment terminates at the close of the next*
 7 *regular session of the Congress unless the Senate sooner*
 8 *gives its advice and consent to the appointment.*

9 (b) *LIEUTENANT (JUNIOR GRADE)*.—*Officers in the*
 10 *permanent grade of ensign may be temporarily promoted*
 11 *to and appointed in the grade of lieutenant (junior grade)*
 12 *by the President alone whenever vacancies exist in higher*
 13 *grades.*

14 (c) *ANY ONE GRADE*.—*When determined by the Sec-*
 15 *retary to be in the best interest of the service, officers in*
 16 *any permanent grade may be temporarily promoted one*
 17 *grade by the President alone. Any such temporary pro-*
 18 *motion terminates upon the transfer of the officer to a new*
 19 *assignment.*

20 **SEC. 230. TEMPORARY APPOINTMENT OR ADVANCEMENT**

21 **OF COMMISSIONED OFFICERS IN TIME OF**

22 **WAR OR NATIONAL EMERGENCY.**

23 (a) *IN GENERAL*.—*Officers of the Administration shall*
 24 *be subject in like manner and to the same extent as per-*
 25 *sonnel of the Navy to all laws authorizing temporary ap-*

1 *pointment or advancement of commissioned officers in time*
2 *of war or national emergency.*

3 (b) *LIMITATIONS.*—*Subsection (a) shall be applied sub-*
4 *ject to the following limitations:*

5 (1) *A commissioned officer in the service of a*
6 *military department under section 251 may, upon the*
7 *recommendation of the Secretary of the military de-*
8 *partment concerned, be temporarily promoted to a*
9 *higher rank or grade.*

10 (2) *A commissioned officer in the service of the*
11 *Administration may be temporarily promoted to fill*
12 *vacancies in ranks and grades caused by the transfer*
13 *of commissioned officers to the service and jurisdic-*
14 *tion of a military department under section 251.*

15 (3) *Temporary appointments may be made in*
16 *all grades to which original appointments in the Ad-*
17 *ministration are authorized, except that the number*
18 *of officers holding temporary appointments may not*
19 *exceed the number of officers transferred to a military*
20 *department under section 251.*

21 **SEC. 231. PAY AND ALLOWANCES; DATE OF ACCEPTANCE OF**
22 **PROMOTION.**

23 (a) *ACCEPTANCE AND DATE OF PROMOTION.*—*An offi-*
24 *cer of the commissioned corps who is promoted to a higher*
25 *grade—*

10 (b) *OATH OF OFFICE.*—An officer who subscribed to
11 the oath of office required by section 3331 of title 5, United
12 States Code, shall not be required to renew such oath or
13 to take a new oath upon promotion to a higher grade, if
14 the service of the officer after the taking of such oath is con-
15 tinuous.

18 *For purposes of promotion, there shall be counted in*
19 *addition to active commissioned service, service as deck offi-*
20 *cer or junior engineer.*

22 *In time of emergency declared by the President or by*
23 *the Congress, and in time of war, the President is author-*
24 *ized, in the President's discretion, to suspend the operation*

1 of all or any part of the provisions of law pertaining to
 2 promotion of commissioned officers of the Administration.

3 ***Subtitle C—Separation and***
 4 ***Retirement of Officers***

5 ***SEC. 241. INVOLUNTARY RETIREMENT OR SEPARATION.***

6 (a) *TRANSFER OF OFFICERS TO RETIRED LIST; SEPA-*
 7 *RATION FROM SERVICE.*—As recommended by a personnel
 8 board convened under section 222—

9 (1) *an officer in the permanent grade of captain*
 10 *or commander may be transferred to the retired list;*
 11 *and*

12 (2) *an officer in the permanent grade of lieuten-*
 13 *ant commander, lieutenant, or lieutenant (junior*
 14 *grade) who is not qualified for retirement may be sep-*
 15 *arated from the service.*

16 (b) *COMPUTATIONS.*—In any fiscal year, the total
 17 number of officers selected for retirement or separation
 18 under subsection (a) plus the number of officers retired for
 19 age may not exceed the whole number nearest 4 percent of
 20 the total number of officers authorized to be on the active
 21 list, except as otherwise provided by law.

22 (c) *EFFECTIVE DATE OF RETIREMENTS AND SEPARA-*
 23 *TIONS.*—A retirement or separation under subsection (a)
 24 shall take effect on the first day of the sixth month begin-
 25 ning after the date on which the Secretary approves the re-

1 *tirement or separation, except that if the officer concerned*
 2 *requests an earlier retirement or separation date, the date*
 3 *shall be as determined by the Secretary.*

4 **SEC. 242. SEPARATION PAY.**

5 (a) *AUTHORIZATION OF PAYMENT.—An officer who is*
 6 *separated under section 241(a)(2) and who has completed*
 7 *more than three years of continuous active service imme-*
 8 *diately before that separation is entitled to separation pay*
 9 *computed under subsection (b) unless the Secretary deter-*
 10 *mines that the conditions under which the officer is sepa-*
 11 *rated do not warrant payment of that pay.*

12 (b) *AMOUNT OF SEPARATION PAY.—*

13 (1) *SIX OR MORE YEARS.—In the case of an offi-*
 14 *cer who has completed six or more years of continuous*
 15 *active service immediately before that separation, the*
 16 *amount of separation pay to be paid to the officer*
 17 *under this section is 10 percent of the product of—*

18 (A) *the years of active service creditable to*
 19 *the officer; and*

20 (B) *12 times the monthly basic pay to*
 21 *which the officer was entitled at the time of sepa-*
 22 *ration.*

23 (2) *THREE TO SIX YEARS.—In the case of an of-*
 24 *ficer who has completed three or more but fewer than*
 25 *six years of continuous active service immediately be-*

1 fore that separation, the amount of separation pay to
 2 be paid to the officer under this section is one-half of
 3 the amount computed under paragraph (1).

4 (c) *OTHER CONDITIONS, REQUIREMENTS, AND ADMIN-*
 5 *ISTRATIVE PROVISIONS.*—The provisions of subsections (f),
 6 (g), and (h) of section 1174 of title 10, United States Code,
 7 shall apply to separation pay under this section in the same
 8 manner as such provisions apply to separation pay under
 9 that section.

10 **SEC. 243. MANDATORY RETIREMENT FOR AGE.**

11 (a) *OFFICERS BELOW GRADE OF REAR ADMIRAL*
 12 *(LOWER HALF).*—Unless retired or separated earlier, each
 13 officer on the lineal list of the commissioned corps who is
 14 serving in a grade below the grade of rear admiral (lower
 15 half) shall be retired on the first day of the month following
 16 the month in which the officer becomes 62 years of age.

17 (b) *FLAG OFFICERS.*—Notwithstanding subsection (a),
 18 the President may defer the retirement of an officer serving
 19 in a position that carries a grade above captain for such
 20 period as the President considers advisable, but such a
 21 deferment may not extend beyond the first day of the month
 22 following the month in which the officer becomes 64 years
 23 of age.

1 **SEC. 244. RETIREMENT FOR LENGTH OF SERVICE.**

2 *An officer who has completed 20 years of service, of*
 3 *which at least 10 years was service as a commissioned offi-*
 4 *cer, may at any time thereafter, upon application by such*
 5 *officer and in the discretion of the President, be placed on*
 6 *the retired list.*

7 **SEC. 245. COMPUTATION OF RETIRED PAY.**

8 *(a) OFFICERS FIRST BECOMING MEMBERS BEFORE*
 9 *SEPTEMBER 8, 1980.—Each officer on the retired list who*
 10 *first became a member of a uniformed service before Sep-*
 11 *tember 8, 1980, shall receive retired pay at the rate deter-*
 12 *mined by multiplying—*

13 *(1) the retired pay base determined under section*
 14 *1406(g) of title 10, United States Code; by*

15 *(2) 2½ percent of the number of years of service*
 16 *that may be credited to the officer under section 1405*
 17 *of such title as if the officer's service were service as*
 18 *a member of the Armed Forces.*

19 *The retired pay so computed may not exceed 75 percent*
 20 *of the retired pay base.*

21 *(b) OFFICERS FIRST BECOMING MEMBERS ON OR*
 22 *AFTER SEPTEMBER 8, 1980.—Each officer on the retired*
 23 *list who first became a member of a uniformed service on*
 24 *or after September 8, 1980, shall receive retired pay at the*
 25 *rate determined by multiplying—*

1 (1) *the retired pay base determined under section*
 2 *1407 of title 10, United States Code; by*

3 (2) *the retired pay multiplier determined under*
 4 *section 1409 of such title for the number of years of*
 5 *service that may be credited to the officer under sec-*
 6 *tion 1405 of such title as if the officer's service were*
 7 *service as a member of the Armed Forces.*

8 (c) *TREATMENT OF FULL AND FRACTIONAL PARTS OF*
 9 *MONTHS IN COMPUTING YEARS OF SERVICE.—*

10 (1) *IN GENERAL.—In computing the number of*
 11 *years of service of an officer for the purposes of sub-*
 12 *section (a)—*

13 (A) *each full month of service that is in ad-*
 14 *dition to the number of full years of service cred-*
 15 *itable to the officer shall be credited as $\frac{1}{12}$ of a*
 16 *year; and*

17 (B) *any remaining fractional part of a*
 18 *month shall be disregarded.*

19 (2) *ROUNDING.—Retired pay computed under*
 20 *this section, if not a multiple of \$1, shall be rounded*
 21 *to the next lower multiple of \$1.*

22 **SEC. 246. RETIRED GRADE AND RETIRED PAY.**

23 *Each officer retired pursuant to law shall be placed*
 24 *on the retired list with the highest grade satisfactorily held*
 25 *by that officer while on active duty including active duty*

1 *pursuant to recall, under permanent or temporary appoint-*
 2 *ment, and shall receive retired pay based on such highest*
 3 *grade, if—*

4 *(1) the officer's performance of duty in such*
 5 *highest grade has been satisfactory, as determined by*
 6 *the Secretary of the department or departments under*
 7 *whose jurisdiction the officer served; and*

8 *(2) unless retired for disability, the officer's*
 9 *length of service in such highest grade is no less than*
 10 *that required by the Secretary of officers retiring*
 11 *under permanent appointment in that grade.*

12 **SEC. 247. RETIRED RANK AND PAY HELD PURSUANT TO**
 13 **OTHER LAWS UNAFFECTED.**

14 *Nothing in this subtitle shall prevent an officer from*
 15 *being placed on the retired list with the highest rank and*
 16 *with the highest retired pay to which the officer is entitled*
 17 *under any other provision of law.*

18 **SEC. 248. CONTINUATION ON ACTIVE DUTY; DEFERRAL OF**
 19 **RETIREMENT.**

20 *The provisions of subchapter IV of chapter 36 of title*
 21 *10, United States Code, relating to continuation on active*
 22 *duty and deferral of retirement shall apply to commissioned*
 23 *officers of the Administration.*

1 **SEC. 249. RECALL TO ACTIVE DUTY.**

2 *The provisions of chapter 39 of title 10, United States*
 3 *Code, relating to recall of retired officers to active duty, in-*
 4 *cluding the limitations on such recalls, shall apply to com-*
 5 *missioned officers of the Administration.*

6 ***Subtitle D—Service of Officers With***
 7 ***the Military Departments***

8 **SEC. 251. COOPERATION WITH AND TRANSFER TO MILITARY**
 9 **DEPARTMENTS.**

10 (a) *IN GENERAL.*—*The President may, whenever in*
 11 *the judgment of the President a sufficient national emer-*
 12 *gency exists, transfer to the service and jurisdiction of a*
 13 *military department such vessels, equipment, stations, and*
 14 *officers of the Administration as the President considers to*
 15 *be in the best interest of the country. After any such transfer*
 16 *all expenses connected therewith shall be defrayed out of the*
 17 *appropriations for the department to which the transfer is*
 18 *made. Such transferred vessels, equipment, stations, and of-*
 19 *ficers shall be returned to the Administration when the na-*
 20 *tional emergency ceases, in the opinion of the President.*
 21 *Nothing in this section shall be construed as transferring*
 22 *the Administration or any of its functions from the Depart-*
 23 *ment of Commerce except in time of national emergency*
 24 *and to the extent provided in this section.*

25 (b) *STATUS OF TRANSFERRED OFFICERS.*—*An officer*
 26 *of the Administration transferred under this section, shall,*

1 *while under the jurisdiction of a military department, have*
 2 *proper military status and shall be subject to the laws, regu-*
 3 *lations, and orders for the government of the Army, Navy,*
 4 *or Air Force, as the case may be, insofar as the same may*
 5 *be applicable to persons whose retention permanently in the*
 6 *military service of the United States is not contemplated*
 7 *by law.*

8 **SEC. 252. RELATIVE RANK OF OFFICERS WHEN SERVING**
 9 **WITH ARMY, NAVY, OR AIR FORCE.**

10 *When serving with the Army, Navy, or Air Force, an*
 11 *officer of the Administration shall rank with and after offi-*
 12 *cers of corresponding grade in the Army, Navy, or Air Force*
 13 *of the same length of service in grade. Nothing in this sub-*
 14 *title shall be construed to affect or alter an officer's rates*
 15 *of pay and allowances when not assigned to military duty.*

16 **SEC. 253. RULES AND REGULATIONS WHEN COOPERATING**
 17 **WITH MILITARY DEPARTMENTS.**

18 *(a) JOINT REGULATIONS.—The Secretary of Defense*
 19 *and the Secretary of Commerce shall jointly prescribe*
 20 *regulations—*

21 *(1) governing the duties to be performed by the*
 22 *Administration in time of war; and*

23 *(2) providing for the cooperation of the Adminis-*
 24 *tration with the military departments in time of*
 25 *peace in preparation for its duties in time of war.*

1 (b) *APPROVAL.*—*Regulations under subsection (a)*
 2 *shall not be effective unless approved by each of those Secre-*
 3 *taries.*

4 (c) *COMMUNICATIONS.*—*Regulations under subsection*
 5 *(a) may provide procedures for making reports and commu-*
 6 *nications between a military department and the Adminis-*
 7 *tration.*

8 ***Subtitle E—Rights and Benefits***

9 ***SEC. 261. APPLICABILITY OF CERTAIN PROVISIONS OF*** 10 ***TITLE 10, UNITED STATES CODE.***

11 (a) *PROVISIONS MADE APPLICABLE TO THE CORPS.*—
 12 *The rules of law that apply to the Armed Forces under the*
 13 *following provisions of title 10, United States Code, as those*
 14 *provisions are in effect from time to time, apply also to*
 15 *the commissioned officer corps of the Administration:*

16 (1) *Chapter 40, relating to leave.*

17 (2) *Section 716, relating to transfers between the*
 18 *armed forces and to and from National Oceanic and*
 19 *Atmospheric Administration.*

20 (3) *Section 1035, relating to deposits of savings.*

21 (4) *Section 1036, relating to transportation and*
 22 *travel allowances for escorts for dependents of mem-*
 23 *bers.*

24 (5) *Section 1052, relating to reimbursement for*
 25 *adoption expenses.*

1 (6) *Section 1174a, relating to special separation*
2 *benefits (except that benefits under subsection*
3 *(b)(2)(B) of such section are subject to the availability*
4 *of appropriations for such purpose and are provided*
5 *at the discretion of the Secretary of Commerce).*

6 (7) *Chapter 61, relating to retirement or separa-*
7 *tion for physical disability.*

8 (8) *Chapter 69, relating to retired grade, except*
9 *sections 1370, 1375, and 1376.*

10 (9) *Chapter 71, relating to computation of re-*
11 *tired pay.*

12 (10) *Chapter 73, relating to annuities based on*
13 *retired or retainer pay.*

14 (11) *Subchapter II of chapter 75, relating to*
15 *death benefits.*

16 (12) *Section 2634, relating to transportation of*
17 *motor vehicles for members on permanent change of*
18 *station.*

19 (13) *Sections 2731 and 2735, relating to prop-*
20 *erty loss incident to service.*

21 (14) *Section 2771, relating to final settlement of*
22 *accounts of deceased members.*

23 (15) *Such other provisions of subtitle A of that*
24 *title as may be adopted for applicability to the com-*
25 *missioned officer corps of the National Oceanic and*

1 *Atmospheric Administration by any other provision*
 2 *of law.*

3 (b) *REFERENCES.*—*The authority vested by title 10,*
 4 *United States Code, in the “military departments”, “the*
 5 *Secretary concerned”, or “the Secretary of Defense” with*
 6 *respect to the provisions of law referred to in subsection (a)*
 7 *shall be exercised, with respect to the commissioned officer*
 8 *corps of the Administration, by the Secretary of Commerce*
 9 *or the Secretary’s designee.*

10 **SEC. 262. ELIGIBILITY FOR VETERANS BENEFITS AND**
 11 **OTHER RIGHTS, PRIVILEGES, IMMUNITIES,**
 12 **AND BENEFITS UNDER CERTAIN PROVISIONS**
 13 **OF LAW.**

14 (a) *IN GENERAL.*—*Active service of officers of the Ad-*
 15 *ministration shall be deemed to be active military service*
 16 *for the purposes of all rights, privileges, immunities, and*
 17 *benefits under the following:*

18 (1) *Laws administered by the Secretary of Vet-*
 19 *erans Affairs.*

20 (2) *The Soldiers’ and Sailors’ Civil Relief Act of*
 21 *1940 (50 App. U.S.C. 501 et seq.).*

22 (3) *Section 210 of the Social Security Act (42*
 23 *U.S.C. 410), as in effect before September 1, 1950.*

24 (b) *EXERCISE OF AUTHORITY.*—*In the administration*
 25 *of the laws and regulations referred to in subsection (a),*

1 *with respect to the Administration, the authority vested in*
 2 *the Secretary of Defense and the Secretaries of the military*
 3 *departments and their respective departments shall be exer-*
 4 *cised by the Secretary of Commerce.*

5 **SEC. 263. MEDICAL AND DENTAL CARE.**

6 *The Secretary may provide medical and dental care,*
 7 *including care in private facilities, for personnel of the Ad-*
 8 *ministration entitled to that care by law or regulation.*

9 **SEC. 264. COMMISSARY PRIVILEGES.**

10 *(a) EXTENSION OF PRIVILEGE.—Commissioned offi-*
 11 *cers, ships' officers, and members of crews of vessels of the*
 12 *Administration shall be permitted to purchase commissary*
 13 *and quartermaster supplies as far as available from the*
 14 *Armed Forces at the prices charged officers and enlisted*
 15 *members of the Armed Forces.*

16 *(b) SALES OF RATIONS, STORES, UNIFORMS, AND RE-*
 17 *LATED EQUIPMENT.—The Secretary may purchase ration*
 18 *supplies for messes, stores, uniforms, accouterments, and re-*
 19 *lated equipment for sale aboard ship and shore stations of*
 20 *the Administration to members of the uniformed services*
 21 *and to personnel assigned to such ships or shore stations.*
 22 *Sales shall be in accordance with regulations prescribed by*
 23 *the Secretary, and proceeds therefrom shall, as far as is*
 24 *practicable, fully reimburse the appropriations charged*
 25 *without regard to fiscal year.*

1 (c) *SURVIVING SPOUSES' RIGHTS.*—*Rights extended to*
 2 *members of the uniformed services in this section are ex-*
 3 *tended to their surviving spouses and to such others as are*
 4 *designated by the Secretary concerned.*

5 **SEC. 265. AUTHORITY TO USE APPROPRIATED FUNDS FOR**
 6 **TRANSPORTATION AND REIMBURSEMENT OF**
 7 **CERTAIN ITEMS.**

8 (a) *TRANSPORTATION OF EFFECTS OF DECEASED OF-*
 9 *FICERS.*—*In the case of an officer who dies on active duty,*
 10 *the Secretary may provide, from appropriations made*
 11 *available to the Administration, transportation (including*
 12 *packing, unpacking, crating, and uncrating) of personal*
 13 *and household effects of that officer to the official residence*
 14 *of record of that officer. However, upon application by the*
 15 *dependents of such an officer, such transportation may be*
 16 *provided to such other location as may be determined by*
 17 *the Secretary.*

18 (b) *REIMBURSEMENT FOR SUPPLIES FURNISHED BY*
 19 *OFFICERS TO DISTRESSED AND SHIPWRECKED PER-*
 20 *SONS.*—*Under regulations prescribed by the Secretary, ap-*
 21 *propriations made available to the Administration may be*
 22 *used to reimburse an officer for food, clothing, medicines,*
 23 *and other supplies furnished by the officer—*

24 (1) *for the temporary relief of distressed persons*
 25 *in remote localities; or*

1 (2) *to shipwrecked persons who are temporarily*
 2 *provided for by the officer.*

3 **SEC. 266. PRESENTATION OF UNITED STATES FLAG UPON**
 4 **RETIREMENT.**

5 (a) *PRESENTATION OF FLAG UPON RETIREMENT.—*
 6 *Upon the release of a commissioned officer from active com-*
 7 *missioned service for retirement, the Secretary shall present*
 8 *a United States flag to the officer.*

9 (b) *MULTIPLE PRESENTATIONS NOT AUTHORIZED.—*
 10 *An officer is not eligible for presentation of a flag under*
 11 *subsection (a) if the officer has previously been presented*
 12 *a flag under this section or any other provision of law pro-*
 13 *viding for the presentation of a United States flag incident*
 14 *to release from active service for retirement.*

15 (c) *NO COST TO RECIPIENT.—The presentation of a*
 16 *flag under this section shall be at no cost to the recipient.*

17 **Subtitle F—Repeals and**
 18 **Conforming Amendments**

19 **SEC. 271. REPEALS.**

20 *The following provisions of law are repealed:*

21 (1) *The Coast and Geodetic Survey Commis-*
 22 *sioned Officers' Act of 1948 (33 U.S.C. 853a et seq.).*

23 (2) *Section 3 of the Act of August 10, 1956 (33*
 24 *U.S.C. 857a).*

1 (3) *Public Law 91–621 (33 U.S.C. 857–1 et*
2 *seq.)*.

3 (4) *Section 16 of the Act of May 22, 1917 (33*
4 *U.S.C. 854, 855, 856, 857, and 858)*.

5 (5) *Section 1 of the Act of July 22, 1947 (33*
6 *U.S.C. 874)*.

7 (6) *Section 11 of the Act entitled “An Act to in-*
8 *crease the efficiency of the commissioned and enlisted*
9 *personnel of the Army, Navy, Marine Corps, Coast*
10 *Guard, Coast and Geodetic Survey, and Public*
11 *Health Service”, enacted May 18, 1920 (33 U.S.C.*
12 *864)*.

13 (7) *Section 636(a)(17) of the Foreign Assistance*
14 *Act of 1961 (22 U.S.C. 2396(a)(17))*.

15 **SEC. 272. CONFORMING AMENDMENTS.**

16 (a) *TITLE 10, UNITED STATES CODE.—Section*
17 *1406(g) of title 10, United States Code, is amended by strik-*
18 *ing “section 16 of the Coast and Geodetic Survey Commis-*
19 *sioned Officers’ Act of 1948 (33 U.S.C. 853o)” and inserting*
20 *“section 305 of the National Oceanic and Atmospheric Ad-*
21 *ministration Commissioned Officers Act of 2002”.*

22 (b) *PUBLIC LAW 104–106.—Section 566(c) of the Na-*
23 *tional Defense Authorization Act for Fiscal Year 1996 (Pub-*
24 *lic Law 104–106; 110 Stat. 328; 10 U.S.C. 1293 note) is*
25 *amended by striking “the Coast and Geodetic Survey Com-*

1 *missioned Officers' Act of 1948*" and inserting "*the Na-*
2 *tional Oceanic and Atmospheric Administration Commis-*
3 *sioned Officer Corps Act of 2002*".

Union Calendar No. 372

107TH CONGRESS
2^D SESSION

H. R. 4883

[Report No. 107-621]

A BILL

To reauthorize the Hydrographic Services
Improvement Act of 1998, and for other purposes.

JULY 26, 2002

Reported with an amendment, committed to the Com-
mittee of the Whole House on the State of the Union,
and ordered to be printed